IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18970 of 2007

Dated: December 10, 2007

Between:

N. Shiva Rajan, S/o. Natarajan,
Aged about 44 years, Occ: Business,
R/o.7/242, Malleswar Road,
Anantapur.

… Petitioner

And

The Sub-inspector of Police (Crimes)
I-Town Police Station, Anantapur.

… Respondent

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondent, Inspector of Police (Crimes), I-Town Police Station, Anantapur in interfering with the business of the petitioner, which is being run in the name of Anantapur Agencies in Anantapur.

2. In the affidavit filed in support of the writ petition, it is stated that

petitioner is a registered dealer with the Commercial Tax Department of Anantapur and is running business, by supplying household articles on discounted rates. His grievance is that though such business is not prohibited under law, respondent is interfering with his business.

3. On the other hand, respondent has filed counter affidavit stating that one Mr. Kasula Chinna Peera, S/o. K. Reddy Khasim, resident of Maruvekomma Colony, has lodged a complaint with the Police on 31-07-2007 stating that petitioner has opened a shop in premises bearing D.No.145/848 and selling household articles by promising the customers that if they pay half the cost of an article, he will deliver the same after 15 days without taking the remaining half amount. It is alleged in the complaint that the petitioner failed to supply the article, as promised, after collecting the amount. It is stated that the complainant paid Rs.3,050/- to the petitioner for five articles and obtained receipts; however, the petitioner did not supply any articles and thus cheated him. It is stated in the counter affidavit that basing on the said complaint, a case in Cr.No.143/2007 was registered for the alleged offence under Section 420 of the Indian Penal Code on 31-07-2007. It is further stated that pursuant to registration of crime, investigation has been completed and charge sheet has also been filed in the Court of Additional Judicial Magistrate of First Class, Anantapur and the same has been numbered as C.C.No.832 of 2007 and posted to 03-12-2007.

4. Though learned counsel for the petitioner submits that the case registered against the petitioner is false, however, in view of the charge sheet, which is already filed, it is for the petitioner to prove his innocence in the trial and, hence, no direction as sought for can be issued at this stage.

5. In the circumstances, I dispose of the writ petition directing the Additional Judicial Magistrate of First Class, Anantapur to dispose of C.C.No. 832 of 2007, pending on his file, as expeditiously as possible, preferably within a period of six months from the date of receipt of this order. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 10, 2007
MRR